

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

DIANA FALCÓN DÍAZ

DEBTOR

CASE NO. 17-03861

CHAPTER 11

MOTION AMENDING VOLUNTARY PETITION

TO THE HONORABLE COURT:

COMES NOW, Debtor, Diana Falcón Díaz, as debtor-in possession (DIP) through the undersigned attorney and very respectfully states and prays as follows:

1. The DIP filed a voluntary petition for relief under the Chapter 11 of the Bankruptcy Code on May 31st, 2017.
2. The debtor informs this Honorable Court that her debts are mainly business debts as per Part 6, item 16b of the amended voluntary petition.

WHEREFORE, the Debtor respectfully requests that this Honorable Court to take notice of the preceding facts.

RESPECTFULLY SUBMITTED

In Caguas, Puerto Rico, this 14th day of June 2017.

NOTICE: Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the clerk's office of the United States Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the court, the interest of justice requires otherwise.

CERTIFICATE OF SERVICE: I certify that on this same date the foregoing document has been electronically filed with the Clerk of the Court using the CM/ECF system which sends notification

of such filing to all system's participants. I further certify that this motion has been served through first class mail to all non-system participants, as per the attached mailing list.

/s/ CARLOS A. RUIZ RODRIGUEZ
USDC-PR 210009
Attorney for Debtor
Carlos Alberto Ruiz Law Offices, CSP
P.O. Box 1298
Caguas, PR 00726-1298
Phone: (787) 286-9775 /Fax: (787) 747-2174
carlosalbertoruizquiebras@gmail.com

IN RE: DIANA FALCÓN DÍAZ
CASE NO.: 17-03861

AUTORIDAD DE ACUEDUCTOS Y ALCANTARILLADOS
PO BOX 7066
SAN JUAN, PR 00916-7066

BANCO POPULAR DE PR - BANKRUPTCY DIVISION
PO BOX 366818
SAN JUAN, PR 00936-6818

CORPORACION DEL FONDO DEL SEGURO DEL ESTADO
PO BOX 365028
SAN JUAN, PR 00936-5028

DEPARTAMENTO DE HACIENDA
PO BOX 9024140
SAN JUAN, PR 00902-4140

DEPARTAMENTO DEL TRABAJO Y RECURSOS HUMANOS
PO BOX 191020
SAN JUAN, PR 00919-1020

INTERNAL REVENUE SERVICE
ACS SUPPORT
PO BOX 8208
PHILADELPHIA, PA 19101

INTERNAL REVENUE SERVICE
PO BOX 11996
SAN JUAN, PR 00922

MR. ARMANDO LOPEZ HADDOCK
URB BAIROA AC-3
CALLE RODRIGO DE TRIANA
CAGUAS, PR 00725

MR. RUBEN CLAUDIO LOZADA
PO BOX 9384
CAGUAS, PR 00726-9384

SCOTIABANK DE PUERTO RICO
PO BOX 362394
280 JESUS T. PINERO
SAN JUAN, PR 00936

Fill in this information to identify your case:

Debtor 1 DIANA FALCON-DIAZ

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the District of Puerto Rico

Case number 3:17-bk-3861
(If known)

Check if this is:
☒ An amended filing

Chapter you are filing under:
☐ Chapter 7
☒ Chapter 11
☐ Chapter 12
☐ Chapter 13

Official Form 101

Amended Voluntary Petition for Individuals Filing for Bankruptcy

12/15

The bankruptcy forms use *you* and *Debtor 1* to refer to a debtor filing alone. A married couple may file a bankruptcy case together--called a *joint case*--and in joint cases, these forms use *you* to ask for information from both debtors. For example, if a form asks, "Do you own a car," the answer would be yes if either debtor owns a car. When information is needed about the spouses separately, the form uses *Debtor 1* and *Debtor 2* to distinguish between them. In joint cases, one of the spouses must report information as *Debtor 1* and the other as *Debtor 2*. The same person must be *Debtor 1* in all of the forms.

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1:

Identify Yourself

	About Debtor 1:	About Debtor 2 (Spouse Only in a Joint Case):
1. Your full name Write the name that is on your government-issued picture identification (for example, your driver's license or passport). Bring your picture identification to your meeting with the trustee.	<u>DIANA</u> First name <u>FALCON-DIAZ</u> Middle name Last name _____ Suffix (Sr., Jr., II, III)	<u>N/A</u> First name _____ Middle name Last name _____ Suffix (Sr., Jr., II, III)
2. All other names you have used in the last 8 years. Include your married or maiden names.	<u>HOGAR MARIA SANTISIMA INC.</u> First name Middle name Last name Suffix (Sr., Jr., II, III) <u>N/A</u> First name Middle name Last name Suffix (Sr., Jr., II, III)	<u>N/A</u> First name Middle name Last name Suffix (Sr., Jr., II, III) <u>N/A</u> First name Middle name Last name Suffix (Sr., Jr., II, III)

3. Only the last 4 digits of your Social Security number or federal Individual Taxpayer Identification number (ITIN) XXX-XX-7402

N/A

4. Any business names and Employer Identification Numbers (EIN) you have used in the last 8 years.

Include trade names and doing business as names.

☒ I have not used any business names or EINs

N/A

Business name

N/A

Business name

66-0501253

EIN

N/A

EIN

☐ I have not used any business names or EINs

N/A

Business name

N/A

Business name

N/A

EIN

N/A

EIN

5. Where you live

BO TOMAS DE CASTRO NO 2

Number Street

KM 4.8 INT CARR 183 SECTOR EL CINCO

Caguas PR 00725

City, State, Zip Code

Caguas

County

If your mailing address is different from the one above, fill it in here. Note that the court will send any notices to you at this mailing address.

PO BOX 9384

Number Street

Caguas PR 00726

City, State, Zip Code

If Debtor 2 lives at a different address:

N/A

EIN

6. Why you are choosing this district to file for bankruptcy

Check one:

☒ Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.

☐ I have another reason. Explain. (See 28 U.S.C. § 1408.)

N/A

Check one:

☒ Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.

☐ I have another reason. Explain. (See 28 U.S.C. § 1408.)

N/A

Part 2: Tell the Court About Your Bankruptcy Case

7. The chapter of the Bankruptcy Code you are choosing to file under *Check one. (For a brief description of each, see Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy (Form B2010)). Also, go to the top of page 1 and check the appropriate box.*

☐ Chapter 7

☒ Chapter 11

☐ Chapter 12

☐ Chapter 13

8. How you will pay the fee

☒ **I will pay the entire fee when I file my petition.** Please check with the clerk's office in your local court for more details about how you may pay. Typically, if you are paying the fee yourself, you may pay with cash, cashier's check, or money order. If your attorney is submitting your payment on your behalf, your attorney may pay with a credit card or check with a pre-printed address.

☐ **I need to pay the fee in installments.** If you choose this option, sign and attach the *Application for Individuals to Pay Your Filing Fee in Installments* (Official Form 103A).

☐ **I request that my fee be waived** (You may request this option only if you are filing for Chapter 7. By law, a judge may, but is not required to, waive your fee, and may do so only if your income is less than 150% of the official poverty line that applies to your family size and you are unable to pay the fee in installments). If you choose this option, you must fill out the *Application to Have the Chapter 7 Filing Fee Waived* (Official Form 103B) and file it with your petition.

9. Have you filed for bankruptcy within the last 8 years?

☐ No

☒ Yes

District <u>PUERTO RICO</u>	When <u>08/19/2015</u>	Case number <u>15-06357 MCF</u>
	MM/DD/YYYY	
District <u>PUERTO RICO</u>	When <u>09/02/2014</u>	Case number <u>14-07279</u>
	MM/DD/YYYY	
District <u>PUERTO RICO</u>	When <u>01/18/2011</u>	Case number <u>11-00244</u>
	MM/DD/YYYY	

10. Are any bankruptcy cases pending or being filed by a spouse who is not filing this case with you, or by a business partner, or by an affiliate?

☒ No

☐ Yes

Debtor <u>N/A</u>	Relationship _____
District _____	When _____ Case number _____
	MM/DD/YYYY
Debtor <u>N/A</u>	Relationship _____
District _____	When _____ Case number _____
	MM/DD/YYYY

11. Do you rent your residence?

☒ No. Go to line 12.

☐ Yes. Has your landlord obtained an eviction judgment against you and do you want to stay in your residence?

☐ No. Go to line 12.

☐ Yes. Fill out *Initial Statement About an Eviction Judgment Against You* (Form 101A) and file it with this bankruptcy petition.

Part 3: Report About Any Businesses You Own as a Sole Proprietor

12. Are you a sole proprietor of any full- or part-time business? ☒ No. Go to Part 4.

A sole proprietorship is a business you operate as an individual, and is not a separate legal entity such as a corporation, partnership, or LLC.

Part 4: Report if You Own or Have Any Hazardous Property or Any Property That Needs Immediate Attention

14. Do you own or have any property that poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety? Or do you own any property that needs immediate attention? ☒ No. ☐ Yes.

For example, do you own perishable goods, or livestock that must be fed, or a building that needs urgent repairs?

Part 5: Explain Your Efforts to Receive a Briefing About Credit Counseling

15. Tell the court whether you have received briefing about credit counseling.

The law requires that you receive a briefing about credit counseling before you file for bankruptcy. You must truthfully check one of the following choices. If you cannot do so, you are not eligible to file.

If you file anyway, the court can dismiss your case, you will lose whatever filing fee you paid, and your creditors can begin collection activities again.

About Debtor 1:

You must check one:

- ☒ I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.
- Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.
- ☐ I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.
- Within 14 days after you file this bankruptcy petition, you MUST file a copy of the certificate and payment plan, if any.

About Debtor 2 (Spouse Only in a Joint Case):

You must check one:

- ☐ I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.
- Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.
- ☐ I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.
- Within 14 days after you file this bankruptcy petition, you MUST file a copy of the certificate and payment plan, if any.

About Debtor 1:

- ☐ I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy. If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

- ☐ I am not required to receive a briefing about credit counseling because of:

- ☐ **Incapacity.** I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.
- ☐ **Disability.** My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.
- ☐ **Active duty.** I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver of credit counseling with the court.

About Debtor 2 (Spouse Only in a Joint Case):

- ☐ I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

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- ☐ **Active duty.** I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver of credit counseling with the court.

Part 6: Answer These Questions for Reporting Purposes

16. What kind of debts do you have?	<p>16a. Are your debts primarily consumer debts? <i>Consumer debts</i> are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."</p> <p><input checked="" type="checkbox"/> No. Go to line 16b. <input type="checkbox"/> Yes. Go to line 17.</p> <p>16b. Are your debts primarily business debts? <i>Business debts</i> are debts that you incurred to obtain money for a business or investment or through the operation of the business or investment.</p> <p><input type="checkbox"/> No. Go to line 16c. <input checked="" type="checkbox"/> Yes. Go to line 17.</p> <p>16c. State the type of debts you owe that are not consumer debts or business debts: N/A</p>												
17. Are you filing under Chapter 7? Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available for distribution to unsecured creditors?	<p><input checked="" type="checkbox"/> No. I am not filing under Chapter 7. Go to line 18.</p> <p><input type="checkbox"/> Yes. I am filing under Chapter 7. Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available to distribute to unsecured creditors?</p> <p><input type="checkbox"/> No. <input type="checkbox"/> Yes.</p>												
18. How many creditors do you estimate that you owe?	<table style="width: 100%; border: none;"> <tr> <td><input checked="" type="checkbox"/> 1-49</td> <td><input type="checkbox"/> 1,000 - 5,000</td> <td><input type="checkbox"/> 25,001 - 50,000</td> </tr> <tr> <td><input type="checkbox"/> 50-99</td> <td><input type="checkbox"/> 5,001 - 10,000</td> <td><input type="checkbox"/> 50,001 - 100,000</td> </tr> <tr> <td><input type="checkbox"/> 100-199</td> <td><input type="checkbox"/> 10,001 - 25,000</td> <td><input type="checkbox"/> More than 100,000</td> </tr> <tr> <td><input type="checkbox"/> 200-999</td> <td></td> <td></td> </tr> </table>	<input checked="" type="checkbox"/> 1-49	<input type="checkbox"/> 1,000 - 5,000	<input type="checkbox"/> 25,001 - 50,000	<input type="checkbox"/> 50-99	<input type="checkbox"/> 5,001 - 10,000	<input type="checkbox"/> 50,001 - 100,000	<input type="checkbox"/> 100-199	<input type="checkbox"/> 10,001 - 25,000	<input type="checkbox"/> More than 100,000	<input type="checkbox"/> 200-999		
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<input type="checkbox"/> 100-199	<input type="checkbox"/> 10,001 - 25,000	<input type="checkbox"/> More than 100,000											
<input type="checkbox"/> 200-999													
19. How much do you estimate your assets to be worth?	<table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> \$0 to \$50,000</td> <td><input type="checkbox"/> \$1,000,001 to \$10 million</td> <td><input type="checkbox"/> \$500,000,001 to \$1 billion</td> </tr> <tr> <td><input type="checkbox"/> \$50,001 to \$100,000</td> <td><input type="checkbox"/> \$10,000,001 to \$50 million</td> <td><input type="checkbox"/> \$1,000,000,001 to \$10 billion</td> </tr> <tr> <td><input checked="" type="checkbox"/> \$100,001 to \$500,000</td> <td><input type="checkbox"/> \$50,000,001, to \$100 million</td> <td><input type="checkbox"/> \$10,000,000,001 to \$50 billion</td> </tr> <tr> <td><input type="checkbox"/> \$500,001 to \$1 million</td> <td><input type="checkbox"/> \$100,000,001 to \$500 million</td> <td><input type="checkbox"/> More than \$50 billion</td> </tr> </table>	<input type="checkbox"/> \$0 to \$50,000	<input type="checkbox"/> \$1,000,001 to \$10 million	<input type="checkbox"/> \$500,000,001 to \$1 billion	<input type="checkbox"/> \$50,001 to \$100,000	<input type="checkbox"/> \$10,000,001 to \$50 million	<input type="checkbox"/> \$1,000,000,001 to \$10 billion	<input checked="" type="checkbox"/> \$100,001 to \$500,000	<input type="checkbox"/> \$50,000,001, to \$100 million	<input type="checkbox"/> \$10,000,000,001 to \$50 billion	<input type="checkbox"/> \$500,001 to \$1 million	<input type="checkbox"/> \$100,000,001 to \$500 million	<input type="checkbox"/> More than \$50 billion
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<input checked="" type="checkbox"/> \$500,001 to \$1 million	<input type="checkbox"/> \$100,000,001 to \$500 million	<input type="checkbox"/> More than \$50 billion											

Part 7: Sign Below

For you

I have examined this petition, and I declare under penalty of perjury that the information provided is true and correct.

If I have chosen to file under Chapter 7, I am aware that I may proceed, if eligible, under Chapter 7, 11, 12, or 13 of title 11, United States Code. I understand the relief available under each chapter, and I choose to proceed under Chapter 7.

If no attorney represents me and I did not pay or agree to pay someone who is not an attorney to help me fill out this document, I have obtained and read the notice required by 11 U.S.C. § 342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I understand making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

/s/ DIANA FALCON-DIAZ
Debtor 1

06/14/2017
MM/DD/YYYY

For your attorney, if you are represented by one

Note that BkAssist is licensed for use only by attorneys. If you are not represented by an attorney, you may not file this petition.

I, the attorney for the debtor(s) named in this petition, declare that I have informed the debtor(s) about eligibility to proceed under Chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each chapter for which the person is eligible. I also certify that I have delivered to the debtor(s) the notice required by 11 U.S.C. § 342(b) and, in a case in which § 707(b)(4)(D) applies, certify that I have no knowledge after an inquiry that the information in the schedules filed with the petition is incorrect.

/s/ Carlos Alberto Ruiz
Attorney for Debtor(s)

06/14/2017
MM/DD/YYYY

Carlos Alberto Ruiz

Printed name

LCDO. CARLOS ALBERTO RUIZ, CSP

Firm name

PO Box 1298

Number Street

Caguas PR 00726

City, State, ZIP Code

787-286-9775

Contact phone

210009

Bar number

carlosalbertoruizquebras@gmail.com

Email address